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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/507,955 02/22/00 BEGIN

J 60314-133

EXAMINER

WM02/0913

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CARLSON GASKEY & OLDS P C
SUITE 350
450 WEST MAPLE ROAD
BIRMINGHAM MI 48009

NGUYEN, P

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/507,955

Applicant(s)

BEGIN ET AL.

Examiner

Phung T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because all blocks in figures 1, and 3-6 are not labeled with descriptive legend as required by 37 CFR 1.84(o). Correction is required.

Claim Objections

2. Claim 9, line 1, "claim 9" should be changed to --claim 8--.
Claim 17, line 1, "claim 19" should be changed to --claim 11--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowe et al. [U.S. Pat. 5,673,018].

Regarding claim 1: Lowe et al. disclose a transponder system for reporting the distance traveled by a wheeled vehicle comprising a wireless transmitter 28 generating a wireless signal indicative of a vehicle displacement; and a wireless receiver 26 receiving the wireless signal from the transmitter (figure 2, col. 3, lines 5-37).

Regarding claims 2 and 3: Lowe et al. disclose the transmitter 28 is mounted on a rotating component of a vehicle (col. 3, lines 2-4).

Regarding claim 7: Lowe et al. disclose the transmitter 28 (figure 2, col. 3, lines 5-28) generating an RF signal.

Regarding claim 10: Lowe et al. disclose the transmitter 28 (col. 2, lines 62-67, and col. 3, lines 1-18) generating a modulated RF signal indicative of vehicle displacement.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Srygley et al. [U.S. Pat. 5,524,034]

Regarding claims 4 and 5: Lowe et al. do not show the transmitter including a power source that generates power based upon motion as claimed. However, Srygley et al. disclose an automatic revolution counting and data transmission device comprising the power source as shown in figure 5, col. 3, lines 32-40. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Srygley et al. into the system of Lowe et al. because the transmitter which includes the power source, would be desirable for a system having a limited size or space.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Miller et al. [U.S. Pat. 4,694,295]

Regarding claim 6: Lowe et al. disclose the transmitter 28 (figure 1, col. 3, lines 28-37) for generating a signal. Lowe et al. fail to disclose the transmitter generating an acoustic signal. However, Miller et al. disclose a vehicle blind spot detector comprising the transducer 22 (figure 2, col. 4, lines 7-18) including a piezo-electric element for generating an acoustic signal. Therefore, it would have been obvious to the skilled artisan to use the readily piezo-electric element of Miller et al. in the system of Lowe et al. for generating the acoustic signal.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. [U.S. Pat. 5,673,018].

Regarding claims 8 and 9: Lowe et al. disclose the sensor 30 (figure 2, col. 3, lines 51-67) for generating a signal indication of the number of wheel rotation. Lowe et al. do not show the fixed number of beacon signal is one as claimed. However, it would have been an obvious design choice to have the transmitter generating beacon signal once for each revolution. Note that the system of Lowe et al. is capable of counting revolution, storing the revolution count information, and transmitting revolution count information.

9. Claims 11, 12, 15-18, and 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Davis et al. [U.S. Pat. 5,177,685]

Regarding claim 11: Lowe et al. disclose means 28 for generating a wireless signal indicative of rotational displacement; and a wireless receiver 26 receiving the wireless signal (figure 2, col. 3, lines 5-37). Lowe et al. do not disclose means for determining displacement of a vehicle based upon the wireless signal. However, Davis et al. disclose an automobile navigation system using real time spoken driving instructions comprising position keeping (col. 11, lines 17-68, and col. 12, lines 1-28) for determining position of a vehicle based upon the wireless

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signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Davis et al. in the device of Lowe et al. in order to determine an absolute position of the motor vehicle.

Regarding claim 12: Refer to claim 3 above.

Regarding claim 15: Refer to claim 7 above.

Regarding claims 16 and 17: Lowe et al. disclose the sensor 30 (figure 2, col. 3, lines 51-67) for generating a signal indication of the number of wheel rotation. The combination fails to show the fixed number of beacon signal is one as claimed. However, it would have been an obvious design choice to have the transmitter generating beacon signal once for each revolution. Note that the system of Lowe et al. is capable of counting revolution, storing the revolution count information, and transmitting revolution count information.

Regarding claim 18: Refer to claim 10 above.

Regarding claim 21: Lowe et al. fail to disclose means for calibrating the wireless signal to the vehicle displacement. However, Davis et al. teach that the position system with no error could be calibrated when installed (col. 12, lines 32-50). Therefore, it would have been obvious to the skilled artisan to utilize the teaching of Davis et al. in the system of Lowe et al. for comparing the actual signal with a standard.

Regarding claim 22: Lowe et al. do not disclose means for dead-reckoning a position of a vehicle based upon the wireless signal. However, Davis et al. disclose the dead-reckoning (col. 11, lines 45-48) for estimating the current position of the vehicle. Therefore, it would have been obvious to the skilled artisan to use the readily dead-reckoning system of Davis et al. into the device of Lowe et al. in order to determine the position of a vehicle.

Regarding claim 23: All the claimed subject matter is already discussed in respect to claim 11 above.

Regarding claim 24: Refer to claim 21 above.

Regarding claim 25: Lowe et al. fail to disclose a database of roads, the position of the vehicle propagated relative to the database of roads. However, Davis et al. disclose the map database (col. 3, lines 54-56, and col. 12, lines 47-62). Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teaching of Davis et al. in the invention of Lowe et al. for estimating the position of a vehicle based on the assumption that the vehicle always on a street present in the map.

Regarding claim 26: Refer to claim 22 above.

Regarding claim 27: Lowe et al. disclose means for generating a wireless signal counts rotations of a vehicle wheel (col. 3, lines 51-54)

Regarding claim 28: The combination does not show means for calibrating rotations of the vehicle wheel to displacement of the vehicle as claimed. However, it would have been an obvious design choice to have the calibrating rotations of the vehicle wheel to displacement of the vehicle in the automobile navigation system.

Regarding claim 29: All the claimed subject matter is already discussed in respect to claim 11 above.

Regarding claim 30: Refer to claim 21 above.

Regarding claim 31: Refer to claim 22 above.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Davis et al. and further in view of Srygley et al. [U.S. Pat. 5,524,034]

Regarding claim 13: Refer to claims 4 and 5 above.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Davis et al. and further in view of Miller et al. [U.S. Pat. 4,694,295].

Regarding claim 14: Refer to claim 6 above.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Davis et al. and further in view of Maples [U.S. Pat. 4,833,281].

Regarding claim 19: The combination fails to show a mass movable relative to the vehicle part based upon motion, the wireless signal generated based upon motion of the mass. However, Maples discloses a motion detector comprising the mass in the form of ball 16 (figure 1, col. 1, lines 35-40, and col. 2, lines 18-32) movable relative to the vehicle part based upon motion. Therefore, it would have been obvious to the skilled artisan to use the technique of Maples into the system of Lowe et al. and Davis et al. because of the compact design, it would be an advantage.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. in view of Davis et al. further in view of Maples and Miller et al. [U.S. Pat. 4,694,295]

Regarding claim 20: Lowe et al. disclose the transmitter 28 (figure 1, col. 3, lines 28-37) for generating a signal. Maples disclose the motion detector 10 can be incorporated into the transmitter and the mass in the form of ball 16 (figure 1, col. 1, lines 34-39, and col. 2, lines 18-32). The combination fails to disclose the mass mounted to a piezo-electric device as claimed. However, Miller et al. disclose a vehicle blind spot detector comprising the transducer 22 (figure 2, col. 4, lines 7-18) including a piezo-electric element for generating an acoustic signal.

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Therefore, it would have been obvious to the skilled artisan to use the readily piezo-electric element of Miller et al. in the system of the combination for generating the acoustic signal.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kreft [U.S. Pat. 6,029,496] discloses a method and device for automatic calibration of an odometer..

b. Kurihara et al. [U.S. Pat. 4,950,914] disclose a collision detection system for a vehicle..

c. Bode et al. [U.S. Pat. 6,249,246] disclose a location sensor having a satellite receiver for position determination.

d. Oshizawa et al. [U.S. Pat. 6,253,154] disclose a method and apparatus for navigating with correction of angular speed using azimuth detection sensor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 703-305-4717. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Examiner: Phung Nguyen

Date: September 5, 2001


DANIEL J. WU
PRIMARY EXAMINER
9/07/01